

WEDNESDAY, FEBRUARY 18, 2004

SIXTY-FIRST LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 3:00 p.m., and was called to order by Mr. Speaker Wilder.

PRAYER

The proceedings were opened with prayer by Rabbi Kenneth Kanter of Congregation Micah in Brentwood, Tennessee, a guest of Senator Crutchfield.

PLEDGE OF ALLEGIANCE

Senator Miller led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 30

Senators present were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Southerland, Trail, Williams and Mr. Speaker Wilder --30.

COMMUNICATIONS

February 17, 2004

The Honorable John S. Wilder
Lt. Governor, State of Tennessee
Legislative Plaza, Suite 1
Nashville, TN 37243

Dear Lt. Governor Wilder:

I am requesting an excused absence from the General Assembly for surgery. I will probably be absent for 2 to 4 weeks.

Thank you in advance.

Sincerely,

/s/ Mae Beavers

APPROVED: Lieutenant Governor
John S. Wilder

February 17, 2004

Speaker John S. Wilder
1 Legislative Plaza
Nashville, TN 37243

Dear Speaker Wilder:

Because of personal business at home, I will not be attending Session on Wednesday, February 18, 2004. I would appreciate your approval of my absence on that date.

Thank you for your consideration of my request.

Sincerely,

/s/ Ronald L. Ramsey

APPROVED: Lieutenant Governor
John S. Wilder

STANDING COMMITTEE REPORTS

STATE AND LOCAL GOVERNMENT

MR. SPEAKER: Your Committee on State and Local Government begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2747 and 2832; and Senate Joint Resolution No. 722; also, recommend that Senate Bill No. 2415 with amendment be referred to Committee on Finance, Ways and Means.

COHEN, Chairperson
February 17, 2004

The Speaker announced that he had referred Senate Bills Nos. 2747 and 2832; and Senate Joint Resolution No. 722 to Committee on Calendar.

The Speaker announced that he had referred Senate Bill No. 2415 with amendment to Committee on Finance, Ways and Means.

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2150, 2244 with amendment, 2668 with amendment and 2682.

COOPER, Chairperson
February 17, 2004

The Speaker announced that he had referred Senate Bills Nos. 2150, 2244 with amendment, 2668 with amendment and 2682 to Committee on Calendar.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2300 and 2305 with amendment.

PERSON, Chairperson
February 17, 2004

The Speaker announced that he had referred Senate Bills Nos. 2300 and 2305 with amendment to Committee on Calendar.

GENERAL WELFARE, HEALTH AND HUMAN RESOURCES

MR. SPEAKER: Your Committee on General Welfare, Health and Human Resources begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 2852.

FORD, Chairperson
February 18, 2004

The Speaker announced that he had referred Senate Bill No. 2852 to Committee on Calendar.

GOVERNMENT OPERATIONS

MR. SPEAKER: Your Committee on Government Operations begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 2398 and 2535.

HARPER, Chairperson
February 18, 2004

The Speaker announced that he had referred Senate Bills Nos. 2398 and 2535 to Committee on Calendar.

INTRODUCTION OF BILL

The Speaker announced that the following bill was filed for introduction and passed first consideration:

Senate Bill No. 3469 by Senator Ketron.
Marshall County -- Subject to local approval, revises wheel tax. Amends Chapter 73 of the Private Acts of 1979.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 2144 -- Covington -- Subject to local approval, increases term of mayor from two to four years. Amends Chapter 322 of the Acts of 1903; as amended.

House Bill No. 2506 -- Hamilton County -- Subject to local approval, confers upon judicial commissioners duty to set bond in cases involving violations of orders of protection for circuit judges and chancellors between 9 p.m. and 7 a.m. on weekdays, weekends and holidays and any other time judge or chancellor unavailable. Amends Chapter 192 of the Private Acts of 1992.

House Bill No. 2842 -- Bluff City -- Subject to local approval, requires the board of mayor and aldermen to appoint a vice-mayor at its first meeting in July following the general town election, or as soon thereafter as possible. Amends Chapter 24 of the Private Acts of 1997; as amended.

House Bill No. 2869 -- Stewart County -- Subject to local approval, enacts wheel tax for Stewart County.

SENATE BILLS ON SECOND CONSIDERATION

The Speaker announced that the following bills passed second consideration and were referred to the appropriate committee:

Senate Bill No. 3467 held on desk.

Senate Bill No. 3468 referred to Committee on Delayed Bills.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

WEDNESDAY, FEBRUARY 18, 2004 -- 61ST LEGISLATIVE DAY

Senate Joint Resolution No. 755 by Mr. Speaker Wilder.

Memorials, Death -- Jammie Foster.

Senate Joint Resolution No. 756 by Senator McLeary.

Memorials, Professional Achievement -- Mike Fitts, 2004 Lifetime Achievement Award.

Senate Joint Resolution No. 757 by Senator Ketron.

Memorials, Sports -- David Collie Jr., TSSAA Hall of Fame.

Senate Joint Resolution No. 758 by Senator Kurita.

Memorials, Personal Occasion -- Mildred Riggins Smith, 100th birthday.

Senate Joint Resolution No. 759 by Senator Bryson.

Memorials, Death -- William E. Coleman, Jr.

Senate Joint Resolution No. 760 by Senator Bryson.

Memorials, Recognition -- Abbie Sumrall, Prudential Spirit of Community Award.

Senate Joint Resolution No. 761 by Senator Herron.

Memorials, Congratulations -- Emily Avery Miller, winner of the 2004 NCAA Inspiration Award.

Senate Resolution No. 127 by Senator Crutchfield.

General Assembly, Confirmation of Appointment -- James L. Murphy III, Board of Trustees of University of Tennessee.

Senate Resolution No. 128 by Senator Crutchfield.

General Assembly, Confirmation of Appointment -- Dr. Katherine H. Greenberg, Board of Trustees of University of Tennessee.

RESOLUTIONS LYING OVER

House Joint Resolution No. 850 -- Memorials, Sports -- Amanda Fraley.

The Speaker announced that he had referred House Joint Resolution No. 850 to Committee on Calendar.

House Joint Resolution No. 851 -- Memorials, Recognition -- Lindsey King.

The Speaker announced that he had referred House Joint Resolution No. 851 to Committee on Calendar.

House Joint Resolution No. 852 -- Memorials, Academic Achievement -- Tyler Browning,

Valedictorian, Franklin Road Christian School.

The Speaker announced that he had referred House Joint Resolution No. 852 to Committee

on Calendar.

House Joint Resolution No. 853 -- Memorials, Academic Achievement -- Michael

Christopher Mankin, Salutatorian, Franklin Road Christian School.

The Speaker announced that he had referred House Joint Resolution No. 853 to Committee

on Calendar.

House Joint Resolution No. 854 -- Memorials, Academic Achievement -- Tiffany Wax,

Salutatorian, Franklin Road Christian School.

WEDNESDAY, FEBRUARY 18, 2004 -- 61ST LEGISLATIVE DAY

The Speaker announced that he had referred House Joint Resolution No. 854 to Committee on Calendar.

House Joint Resolution No. 855 -- Memorials, Academic Achievement -- Brittany Martin, Valedictorian, Siegel High School.

The Speaker announced that he had referred House Joint Resolution No. 855 to Committee on Calendar.

House Joint Resolution No. 856 -- Memorials, Academic Achievement -- Natalie Martin, Valedictorian, Siegel High School.

The Speaker announced that he had referred House Joint Resolution No. 856 to Committee on Calendar.

House Joint Resolution No. 857 -- Memorials, Academic Achievement -- Ryan Scoble, Valedictorian, Siegel High School.

The Speaker announced that he had referred House Joint Resolution No. 857 to Committee on Calendar.

House Joint Resolution No. 859 -- Memorials, Congratulations -- Jack Daniel's 1904 World's Fair Gold Medal, 100th anniversary.

The Speaker announced that he had referred House Joint Resolution No. 859 to Committee on Calendar.

House Joint Resolution No. 860 -- Memorials, Congratulations -- Dr. Richard W. Phillips.

The Speaker announced that he had referred House Joint Resolution No. 860 to Committee on Calendar.

House Joint Resolution No. 869 -- Memorials, Recognition -- Rep. Henri Brooks, Special Recognition as Ambassador for Peace.

The Speaker announced that he had referred House Joint Resolution No. 869 to Committee on Calendar.

Senate Joint Resolution No. 753 -- Memorials, Congratulations -- Blue Springs Christian Church, 110th anniversary.

The Speaker announced that he had referred Senate Joint Resolution No. 753 to Committee on Calendar.

Senate Joint Resolution No. 754 -- Memorials, Public Service -- Commissioner Fred Phillips, Tennessee Department of Safety.

The Speaker announced that he had referred Senate Joint Resolution No. 754 to Committee on Calendar.

Senate Resolution No. 125 -- Memorials, Congratulations -- Karlescica Perkins, Distinguished Finalist, Prudential Spirit of Community Award.

The Speaker announced that he had referred Senate Resolution No. 125 to Committee on Calendar.

Senate Resolution No. 126 -- Memorials, Public Service -- Megan Robb, Distinguished Finalist, 2004 Prudential Spirit of Community Award.

The Speaker announced that he had referred Senate Resolution No. 126 to Committee on Calendar.

NOTICE

REPORT OF UNEMPLOYMENT INSURANCE TRUST FUND BALANCE

The report was received and filed with the Clerk.

CONSENT CALENDAR NO. 1

House Joint Resolution No. 739 -- Memorials, Retirement -- Larry Wallace.

Senate Joint Resolution No. 740 -- Memorials, Death -- Thomas Patrick Seigenthaler.

Senate Joint Resolution No. 741 -- Memorials, Personal Occasion -- Josie Mae Scott, 100th birthday.

Senate Joint Resolution No. 742 -- Memorials, Professional Achievement -- Mike Stockdale, Conservation Law Enforcement Award.

Senate Joint Resolution No. 743 -- Memorials, Retirement -- Dick Tidwell.

Senate Joint Resolution No. 744 -- Memorials, Death -- Professor David H. Cooper of UT-Martin.

Senate Joint Resolution No. 745 -- Memorials, Death -- James R. "Bobby" Woods.

Senate Joint Resolution No. 749 -- Memorials, Death -- Melbourne Davis "M. D." Overton, Sr.

Senate Joint Resolution No. 750 -- Memorials, Sports -- Shaun Carl Micheel, Winner of 85th PGA Championship.

Senate Joint Resolution No. 751 -- Memorials, Retirement -- Bill Moore.

Senate Resolution No. 123 -- Memorials, Professional Achievement -- Mildred Parrish, Ewing Park Middle School's Teacher of the Year.

Senate Resolution No. 124 -- Memorials, Public Service -- Christine Farmer, 2004 Top Middle Level Youth Volunteer, Prudential Spirit of Community Award.

Senator Crowe moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes 30
Noes 0

WEDNESDAY, FEBRUARY 18, 2004 -- 61ST LEGISLATIVE DAY

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

CONSENT CALENDAR NO. 2

Objections having been raised, the following bills were placed at the heel of the calendar for Thursday, February 19, 2004, pursuant to Rule 38: **Senate Bills Nos. 2703 and 2730.**

Senate Bill No. 2153 -- Courts, Juvenile -- Authorizes juvenile court judge to request records from telecommunications service provider concerning a missing child about whom a "missing child" order has been issued by such judge and requires service provider to supply requested telephone records without charge. Amends TCA Title 37, Chapter 10, Part 2.

Senate Bill No. 2275 -- Tennessee Bureau of Investigation -- Permits the chief justice of the supreme court as well as the governor to request investigative records from the TBI and request that the TBI conduct background investigations on potential appointees. Amends TCA Section 38-6-106.

Senate Bill No. 2475 -- Sunset Laws -- Board of electrolysis examiners, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 26.

Senate Bill No. 2476 -- Sunset Laws -- Board of alcohol and drug abuse counselors, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 24.

Senate Bill No. 2481 -- Sunset Laws -- Department of tourist development, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3.

Senate Bill No. 2488 -- Sunset Laws -- Board of dispensing opticians, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 14.

Senate Bill No. 2489 -- Sunset Laws -- Board for professional counselors, marital and family therapists, and clinical pastoral therapists, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 22.

Senate Bill No. 2562 -- Sunset Laws -- Board of medical examiners, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 6.

Senate Bill No. 2563 -- Sunset Laws -- Board of osteopathic examination, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 63, Chapter 9.

Senate Bill No. 2912 -- Teachers, Principals and School Personnel -- Allows non-teacher employees to be hired for periods longer than one year at a time. Amends TCA Title 49, Chapter 2, Part 2 and Title 49, Chapter 2, Part 3.

Senate Resolution No. 114 -- General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of criminal procedure promulgated by supreme court.

Senate Resolution No. 115 -- General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of civil procedure promulgated by supreme court.

Senate Resolution No. 116 -- General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of evidence promulgated by supreme court.

Senate Resolution No. 117 -- General Assembly, Review or Ratification of Rules -- Approves amendments to Tennessee rules of appellate procedure promulgated by supreme court.

Senator Crowe moved that all Senate Resolutions be adopted; and all Senate Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	30
Noes	0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

LOCAL BILL
CONSENT CALENDAR

Senate Bill No. 2064 -- Macon County -- Subject to local approval, moves probate court jurisdiction from general sessions court to chancery court.

On motion, Senate Bill No. 2064 was made to conform with **House Bill No. 2822**.

On motion, House Bill No. 2822, on same subject, was substituted for Senate Bill No. 2064.

Senate Bill No. 2151 -- Union County -- Subject to local approval, increases the salary of the Union County highway commissioners from \$20.00 per meeting to \$200 per month. Amends Chapter 154 of the Private Acts of 1943, as amended by Chapter 221 of the Private Acts of 1976 and any other laws amendatory thereto.

On motion, Senate Bill No. 2151 was made to conform with **House Bill No. 2230**.

On motion, House Bill No. 2230, on same subject, was substituted for Senate Bill No. 2151.

Senate Bill No. 2511 -- Morristown -- Subject to local approval, revises civil service provisions in regard to probationary period of applicants for position in classified service. Amends Chapter 370 of the Private Acts of 1955; as amended.

On motion, Senate Bill No. 2511 was made to conform with **House Bill No. 2438**.

On motion, House Bill No. 2438, on same subject, was substituted for Senate Bill No. 2511.

Senator Crowe moved that all House Bills be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

MOTION

Senator Kurita moved that the rules be suspended for the immediate consideration of **Senate Joint Resolution No. 758**, out of order, which motion prevailed.

RESOLUTION LYING OVER

Senate Joint Resolution No. 758 -- Memorials, Personal Occasion -- Mildred Riggins Smith, 100th birthday.

On motion of Senator Kurita, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 758** was adopted by the following vote:

Ayes 28
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kurita, Kyle, McNally, Miller, Norris, Person, Southerland, Trail, Williams and Mr. Speaker Wilder--28.

A motion to reconsider was tabled.

CALENDAR

Senator Harper moved that **Senate Bill No. 2079** be placed on the calendar for Wednesday, February 25, 2004, which motion prevailed.

Senate Bill No. 2480 -- Sunset Laws -- Tennessee emergency management agency, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 58, Chapter 2.

Senator Harper moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 29, Part 2, is amended by adding a new section thereto, as follows:

Section 4-29-231. (a) The following governmental entities shall terminate on June 30, 2010:

() Tennessee emergency management agency, created by Section 58-2-103;

(b) Each department, commission, board, agency or council of state government created during calendar year 2008 shall terminate June 30, 2010.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2480**, as amended, passed its third and final consideration by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

Senator Kilby moved that **Senate Joint Resolution No. 737** be rereferred to the Committee on Calendar, which motion prevailed.

Senate Bill No. 348 -- Zoning -- Allows continuation of certain uses of structures, and on- and off-site signs not in conformance with local government zoning. Amends TCA Section 13-7-208.

Senator Cohen moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting in its entirety all language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 13-7-208, is amended by adding the following language as new subsections:

(g) The provisions of subsections (b)-(d) shall not apply if an industrial, commercial, or other business establishment ceases to operate for a period of thirty (30) continuous months and the industrial, commercial, or other business use of the property did not conform with the land use classification as denoted in the existing zoning regulations for the zoning district in which it is located. Anytime after the thirty (30) month cessation, any use proposed to be established on the site, including any existing or proposed on-site sign, must conform to the provisions of the existing zoning regulations. For the purposes of this subsection, the thirty (30) month period of continuous ceased operation shall be tolled by:

(1) The period in which an industrial, commercial, or other business establishment is party to any action in a court of competent jurisdiction regarding the use of the property until such time that a final settlement, order, decree, or judgment has been rendered;

(2) Any period in which a facility is being constructed, reconstructed, renovated, or refurbished, provided that all necessary building permits were obtained within thirty (30) months of cessation of continuous use;

(3) The filing of an application for a building permit for the alteration, renovation or reconstruction of a structure which is non-conforming or of a structure in which or out of which a non-conforming industrial, commercial or other business use operates or is located; or

(4) The reactivation of the non-conforming use any time prior to the end of the thirty (30) month period.

Provided, however, the restrictions of subsections (g) and (i) shall only apply if the property owner intentionally and voluntarily abandons the nonconforming use of the property. In any contested matter on the use of such property, the government has the burden of proving an overt act of abandonment in such matter.

(h) The provisions of subsections (b)-(d) shall apply to an off-site sign, which, for the purposes of this section means any sign that advertises or gives direction to any business, product, service, attraction, or any other purpose or interest, other than the industrial, commercial or other business establishment located on the site where the sign is located; provided, however, that any expansion shall be limited as follows:

(1) Any off-site sign smaller than a standard 8-sheet poster, which, for the purposes of this subsection means an off-site sign with overall dimensions of at least five feet four inches (5' 4") to six feet two inches (6' 2") in height and eleven feet four inches (11' 4") to twelve feet two inches (12' 2") in width shall not be expanded to a size greater than a standard 8-sheet poster;

(2) Any standard 8-sheet poster shall not be expanded to a size greater than a 30-sheet poster, which, for the purposes of this subsection means an off-site sign with overall dimensions of twelve feet three inches (12' 3") in height and twenty-four feet six inches (24' 6") in width;

(3) Any standard 30-sheet poster shall not be expanded to a size greater than any standard bulletin, which, for the purposes of this subsection means any off-site sign with overall dimensions of ten feet (10') to fourteen feet (14') in height and thirty-six feet (36') to forty-eight feet (48') in width;

(4) Any standard bulletin shall not be expanded to a size greater than any super bulletin, which, for the purposes of this subsection means any off-site sign with overall dimensions of sixteen feet (16') to twenty feet (20') in height and sixty feet (60') in width;

(5) Any super bulletin shall not be expanded; or

(6) Any off-site sign with height larger than standard 8-sheet poster height or width larger than standard 8-sheet poster width but not meeting the definition of a standard 8-sheet poster, a standard 30-sheet poster, a standard bulletin, or a standard super bulletin shall not be expanded by more than one hundred percent (100%) of its surface area.

(i) Notwithstanding the provisions of subsection (d), any structure rebuilt on the site must conform to the provisions of the existing zoning regulations as to setbacks, height, bulk, or requirements as to the physical location of a structure upon the site, provided that this subsection shall not apply to off-site signs.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Senator Cohen moved that Amendment No. 2 be placed behind Amendment No. 3, which motion prevailed.

Senator Cohen moved to amend as follows:

AMENDMENT NO. 3

AMEND by adding the following new subsection at the end of Section 1:

(j) The provisions of subsections (g), (h) and (i) do not apply to any home rule municipality, however, subject to the approval of the local legislative body, a home rule municipality may opt into the provisions of these subsections.

On motion, Amendment No. 3 was adopted.

On motion of Senator Cohen, Amendment No. 2 was withdrawn.

Thereupon, **Senate Bill No. 348**, as amended, passed its third and final consideration by the following vote:

Ayes	26
Noes	3

Senators voting aye were: Bryson, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Norris, Person, Trail, Williams and Mr. Speaker Wilder--26.

Senators voting no were: Atchley, Burchett and McNally--3.

A motion to reconsider was tabled.

Senator Haynes moved that **Senate Bill No. 1539**, as amended, be placed on the calendar for Thursday, February 26, 2004, which motion prevailed.

SENATE MESSAGE CALENDAR

SENATE BILL ON HOUSE AMENDMENT

Senate Bill No. 2048 -- Hamilton County -- Subject to local approval, revises Hamilton County Employees' Retirement Act. Amends Chapter 557 of the Private Acts of 1939; as amended.

HOUSE AMENDMENT NO. 1

AMEND by deleting the language "of Chapter 22" from the directory language of Section 3.

AND FURTHER AMEND by deleting Section 22(a)(5) in its entirety from Section 3 of the printed bill, and by substituting instead the following language:

(5) Upon retirement, a participant shall receive an annual, normal retirement benefit of two and one-half percent (2.5%) of the average compensation (excluding any additional compensation received by a commissioner for serving as either chairman or chairman pro tempore) for the participant's five (5) years of service which produce the highest average, (years of service being based on twelve (12) month periods commencing September 1 and ending the following August 31) times total years of service.

Senator Crutchfield moved that the Senate concur in House Amendment No. 1 to **Senate Bill No. 2048**, which motion prevailed by the following vote:

Ayes 30
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Southerland, Trail, Williams and Mr. Speaker Wilder--30.

A motion to reconsider was tabled.

HOUSE AMENDMENT NO. 2

AMEND by deleting the language "Section 22(a)(5)" from the directory language, as amended by House Amendment No. 1, and by substituting instead the language "Section 22 (b)(5)".

Senator Crutchfield moved that the Senate concur in House Amendment No. 2 to **Senate Bill No. 2048**, which motion prevailed by the following vote:

Ayes 27
Noes 0

Senators voting aye were: Atchley, Bryson, Burchett, Burks, Clabough, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Herron, Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, Miller, Norris, Person, Southerland, Trail, Williams and Mr. Speaker Wilder--27.

A motion to reconsider was tabled.

MOTION

Senator Williams moved that Rule 83 be suspended for the purpose of allowing the Committee on Transportation to meet immediately after session today to consider **Senate Bill No. 2063**, which motion prevailed.

RECALL OF BILL

On motion of Senator Graves, **Senate Bill No. 2766** was recalled from the Committee on State and Local Government.

WITHDRAWAL OF BILL

On motion of Senator Graves, Senate Bill No. 2766 was withdrawn from the Senate.

MOTION

On motion of Senator Ketron, his name was added as prime sponsor of **Senate Bill No. 2326**.

On motion of Senator Graves, her name was added as prime sponsor of **Senate Bill No. 2411**.

On motion of Senator Cooper, his name was added as sponsor of **House Joint Resolutions Nos. 739, 850 and 859; Senate Joint Resolution No. 751; and Senate Bill No. 3333**.

On motion of Senator Person, his name was added as sponsor of **Senate Bills Nos. 2064 and 2800**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 377, 379, 381, 382, 2058, 2142, 2143, 2239, 2420, 2687, 2752, 2776, 2798, 2956, 2979 and 3331**.

On motion of Senator Crowe, his name was added as sponsor of **Senate Bills Nos. 214 and 3215**.

On motion of Senator Bryson, his name was added as sponsor of **Senate Bill No. 3048**.

On motion of Senator McNally, his name was added as sponsor of **Senate Bills Nos. 2430, 2801, 3332 and 3337**.

On motion of Senator Fowler, his name was added as sponsor of **Senate Bill No. 2803**.

On motion of Senator Graves, her name was added as sponsor of **Senate Bills Nos. 3392, 3394 and 3397**.

On motion of Senator Burchett, his name was added as sponsor of **Senate Bill No. 2457**.

On motion of Senators Atchley, Beavers, Bryson, Burchett, Burks, Clabough, Cohen, Cooper, Crowe, Crutchfield, Dixon, Ford, Fowler, Graves, Harper, Haynes, Henry, Herron, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder, their names were added as sponsors of **House Joint Resolution No. 739**.

WEDNESDAY, FEBRUARY 18, 2004 -- 61ST LEGISLATIVE DAY

On motion, all Senators' names were added as sponsors of **Senate Joint Resolutions Nos. 740, 750 and 751.**

On motion of Senator Kurita, her name was added as sponsor of **Senate Bill No. 2079.**

On motion of Senator Dixon, his name was added as sponsor of **Senate Bills Nos. 2475 and 2476.**

On motion of Senator Haynes, his name was added as sponsor of **Senate Resolution No. 123.**

On motion of Senator Kyle, his name was added as sponsor of **Senate Bill No. 2275.**

On motion of Senator Harper, her name was added as sponsor of **Senate Bill No. 2376.**

On motion of Senator Norris, his name was added as sponsor of **Senate Joint Resolution No. 27.**

On motion of Senator Williams, his name was added as sponsor of **Senate Bill No. 2065.**

On motion of Senator Southerland, his name was added as sponsor of **Senate Bill No. 2594.**

On motion of Senator Miller, his name was added as sponsor of **Senate Bill No. 2804.**

ENGROSSED BILLS

February 18, 2004

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined Senate Bills Nos. 348, 2153, 2275, 2475, 2476, 2480, 2481, 2488, 2489, 2562, 2563 and 2912; and Senate Joint Resolutions Nos. 740, 741, 742, 743, 744, 745, 749, 750, 751 and 758; and find same correctly engrossed and ready for transmission to the House.

PATRICK W. MERKEL,
Chief Engrossing Clerk.

MESSAGE FROM THE HOUSE

February 17, 2004

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 2604, for the signature of the Speaker.

BURNEY T. DURHAM,
Chief Clerk.

SIGNED

February 18, 2004

The Speaker announced that he had signed the following: House Bill No. 2604.

MESSAGE FROM THE GOVERNOR

February 13, 2004

MR. SPEAKER: I am directed by the Governor to return herewith: Senate Joint Resolutions Nos. 706, 707, 708, 709, 712, 714, 716, 717, 719, 720, 725, 726 and 727; with his approval.

ROBERT E. COOPER, JR.,
Counsel to the Governor.

REPORT OF COMMITTEE ON DELAYED BILLS

Pursuant to Rule 27, the following bill was reported out of Committee on Delayed Bills: Senate Bill No. 3466.

WILDER, Chairperson
February 18, 2004

The Speaker announced that he had referred Senate Bill No. 3466 to Committee on Finance, Ways and Means.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, February 19, 2004: House Joint Resolutions Nos. 850, 851, 852, 853, 854, 855, 856, 857, 859, 860 and 869; Senate Joint Resolutions Nos. 753 and 754; and Senate Resolutions Nos. 125 and 126.

This the 17th day of February, 2004.
CROWE, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR #2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, February 19, 2004: Senate Bills Nos. 2747 and 2832; and Senate Joint Resolution No. 722.

This the 17th day of February, 2004.
CROWE, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Thursday, February 19, 2004: Senate Bills Nos. 2703 and 2730.

This the 17th day of February, 2004.
CROWE, Chairperson.

STANDING COMMITTEE REPORT

TRANSPORTATION

MR. SPEAKER: Your Committee on Transportation begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 2063.

WILLIAMS, Chairperson
February 18, 2004

The Speaker announced that he had referred Senate Bill No. 2063 to Committee on Calendar.

ADJOURNMENT

Senator Crutchfield moved the Senate adjourn until 9:00 a.m., Thursday, February 19, 2004, which motion prevailed.